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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,610	01/19/2000	Masaya Ichinose	503.38077x00	3357

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EXAMINER

CUEVAS, PEDRO J

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 11/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/487,610

Applicant(s)

ICHINOSE ET AL.

Examiner

Pedro J. Cuevas

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Prosecution Application***

1. The request filed on October 9, 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/487610 is acceptable and a CPA has been established. An action on the CPA follows.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,316,096 to Syverson in view of U.S. Patent No. 4,122,512 to Peterson et al.

Syverson clearly teaches the construction of an electric power variation-compensating device (10) in a compound system for wind power generation as shown in Figure 1. The system includes: a wind power generator (11), an electric power energy storage device (92), an electric power converting device (90), means for detecting currents (74 & 75), and means for detecting voltages (95).

These signals are used as an electric power feedback in a control system (67) for the device.

However, it fails to disclose a super-conducting magnetic energy storage device, a static var compensating device or an adjustable speed electric power generating system is used as the electric power energy storage device.

Peterson et al. teach the use of a super-conducting magnetic energy storage device (20) for the purpose of storing electric power energy.

It would have been obvious to one skilled in the art at the time the invention was made to use the super-conducting magnetic energy storage device disclosed by Peterson et al. on the electric power variation-compensating device disclosed by Syverson for the purpose of storing electric power energy.

4. As to the language in claim 1 on lines 18 to 27 of page 19 and lines 1 to 6 of page 20, the applicant should note that this is merely "result" language, which cannot be relied upon to define over the claimed invention, since Syverson discloses all of the claimed elements (steps) and their recited relationships. Moreover, the examiner will presume that the recited results are inherent in Syverson since all of the claimed elements (steps) and the relationships therebetween, are met by Syverson.

5. With regards to claim 2, Syverson in view of Peterson et al. includes all the limitations of claim 1 which Syverson teaches with the only exception being that the current detected is in the electric power system, not inputted into or outputted from the electric power converting device.

Also, the language in claim 2 on lines 21 to 27 of page 20 and lines 1 to 9 of page 21, the applicant should note that this is merely "result" language, which cannot be relied upon to define over the claimed invention, since Syverson in view of Peterson et al. discloses all of the claimed elements (steps) and their recited relationships. Moreover, the examiner will presume that the

recited results are inherent in U. S. Patent No. 4,316,096 to Syverson since all of the claimed elements (steps) and the relationships therebetween, are met by Syverson.

6. Claims 3-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,316,096 to Syverson in view of U.S. Patent No. 4,122,512 to Peterson et al. as applied to claims 1 and 2 above, further in view of U.S. Patent No. 5,083,039 to Richardson et al.

Syverson in view of Peterson et al. discloses all the elements of claims 1 and 2 respectively.

However it fails to disclose an electric power feedback in the control system.

Richardson et al. teaches an electric power feedback (Torque Command Device - 46) in the control system for the purpose of sensing the stator currents,  $i_{s1}$ ,  $i_{s2}$  and  $i_{s3}$  to calculate the torque signal,  $T_{fb}$  used to control the rotation of the system.

It would have been obvious to one skilled in the art at the time the invention was made to use the electric power feedback (Torque Command Device - 46) in the control system disclosed by Richardson et al. on the electric power variation compensating device (10) disclosed by Syverson for the purpose of sensing the stator currents,  $i_{s1}$ ,  $i_{s2}$  and  $i_{s3}$  or any other system parameter, to calculate the torque signal,  $T_{fb}$  or any other desired signal used to control the rotation of the system.

7. With regards to claim 4, as to the language on lines 25 to 27 of page 21 and lines 1 to 5 of page 22, the applicant should note that this is merely "result" language which cannot be relied upon to define over the claimed invention, since Syverson in view of Peterson et al. discloses all of the claimed elements (steps) and Richardson et al. the recited relationships. Moreover, the examiner will presume that the recited results are inherent in U.S. Patent No. 4,316,096 to

Syverson in view of U.S. Patent No. 5,083,039 to Richardson et al. since all of the claimed elements (steps) and the relationships therebetween, are met by both U.S. Patents.

8. With regards to claims 5 and 7, Richardson et al. discloses a change-over switch (A, B) in the form of a selector circuit (100) as shown in Figure 5.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

10. This is a continuation of applicant's earlier Application No. 09/487610. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro J. Cuevas whose telephone number is (703) 308-4904. The examiner can normally be reached on M-F from 8:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Néstor R. Ramírez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Pedro J. Cuevas  
November 15, 2002

*Thomas M. Dougherty*  
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PRIMARY EXAMINER  
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